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ABSTRACT

This lesson focuses on the role of the Electoral College in the election of the President and Vice-President as specified in the U.S. Constitution in Article II, Section 1, Clauses 2 and 4, and the Twelfth Amendment. The lesson correlates to the National History Standards and the National Standards for Civics and Government. The tally of the 1824 Electoral College vote is the primary source document. The lesson provides historical background that explains the origin of the Electoral College, one of the more difficult parts of the U.S. electoral process to understand, and illustrates how it worked in the 1824 presidential election. The guide suggests the following teaching activities: interpreting the document, analysis of the constitutional connection and "correction," persuasive writing/debate, letter writing, researching local politics, and creating biographical poems (cinquain format and biopoem format). (BT)

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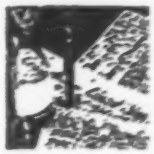

THE CONSTITUTION COMMUNITY

Revolution and the New Nation (1754-1820s)

Tally of the 1824 Electoral College Vote

By Mary Frances Greene

SO 033 575

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The Constitution Community is a partnership between classroom teachers and education specialists from the National Archives and Records Administration. We are developing lessons and activities that address constitutional issues, correlate to national academic standards, and encourage the analysis of primary source documents. The lessons that have been developed are arranged according to historical era.

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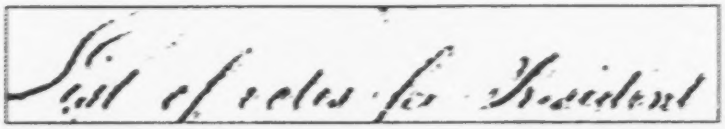
Tally of the 1824 Electoral College Vote



Constitutional Connection

This lesson relates to the role of the Electoral College in the election of the president and vice-president as specified in the U.S. Constitution in Article II, Section 1, Clauses 2 and 4 , and the 12th Amendment .

This lesson correlates to the National History Standards.

Era 3 -The Revolution and New Nation (1754-1820s)

- **Standard 3A** -Demonstrate understanding of the issues involved in the creation and ratification of the United States Constitution and the new government it established.
- **Standard 3D** -Demonstrate understanding of the development of the first American party system.

This lesson correlates to the National Standards for Civics and Government.

- **Standard III.A.1.** -Explain how the U.S. Constitution grants and distributes power to national and state government and how it seeks to prevent the abuse of power.

Cross-curricular Connections

Share this document and teaching suggestions with your history, government, and language arts colleagues.

List of Documents

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Tally of the 1824 Electoral College Vote

Historical Background

The Electoral College is one of the more difficult parts of the American electoral process to understand. While election of the president and vice-president was provided for in Article II, Section 1, Clauses 2, 3, and 4 of the U.S. Constitution, the process today has moved substantially away from the framers' original intent. Over the years a combination of several factors has influenced the Electoral College and the electoral process. These include key presidential elections such as the ones between John Adams and Thomas Jefferson in 1796 and 1800, the development of the political party system, and the passage of the 12th Amendment.

The framers of the Constitution considered the election of the president and vice-president to be a major issue, and most were apprehensive about the obvious options. Election of the president by Congress would upset the balance of power between the executive and the legislative branches, while election by the people might not put the best person in the office. Many believed that Americans were too spread out and thus unable to be adequately informed to make such an important decision.

Alexander Hamilton drafted the compromise that was to be included in the Constitution. Under this system, when a citizen voted in the presidential election, he was actually casting a vote to choose a presidential elector. In theory, a citizen's vote is cast the same way today. Hamilton's plan included eight major points.

1. Each state would be allocated a number of electors equal to the sum of its senators and members of the House of Representatives.

2. State legislatures would decide the methods for choosing electors in their respective states.

3. Electors would meet in their own states, each casting two votes on one ballot, each vote for a different candidate for president.

4. The president of the Senate would open and count the electoral votes before a joint session of Congress.

5. The candidate who received the largest number of electoral votes, which was also the majority of the Electoral College, would become president.

6. The candidate who received the second largest number of votes would become vice-president.

7. In the case of a tie between candidates that also constituted a majority of the electoral votes, the House would choose the president from among them. If no person had a majority of the electoral votes, then the House would choose the president from among the five highest candidates on the list. Voting would be by state; a majority of the states would be needed for a choice to be made.

8. The vice-president would always be the person having the largest number of votes after the president. In the case of a tie between two or more, the Senate would choose from them.

The original Electoral College plan worked successfully for the two times that George Washington was elected president. However, a major flaw became apparent after the election of 1796. According to the Constitution each elector cast only one ballot with two names on it. John Adams, a Federalist, received the largest number of votes. Thomas Jefferson, the Democratic Republican, lost to Adams by three votes and became vice-president. The framers were not in favor of political parties and had made no mention of them in the Constitution. Yet here were a president and vice-president from different parties, and Adams and Jefferson were strongly opposed on many major issues including states' rights, the power and size of the national government, and tariffs. The outcome of the election of 1796 would influence the way electors would be chosen as well as how they would vote in future elections.

In the election of 1800 John Adams, the incumbent, again faced Thomas Jefferson. This time the Democratic Republican electors were urged to vote the party ticket, that is, Thomas Jefferson for president and Aaron Burr for vice-president. Seventy-three electors did just that, resulting in a tie for president between Jefferson and Burr. Under the Constitution, the vote moved to the House where Federalists desiring to embarrass Jefferson voted for Burr, forcing the ballot 35 times over six days. Finally, Alexander Hamilton reluctantly supported Jefferson and the tie was broken.

The election of 1800 had several lasting effects on the Electoral College system. It was the first time that a two-candidate ticket was promoted by a party, as well as the beginning of the practice of nominating electors who pledged to automatically vote the party ticket. This new development was directly opposed to the framers' original version of the electors as "free agents" or informed, respectable, independent citizens from each state. By 1804, the 12th Amendment was passed, making up for the weakness in the original Clause 3. Never again would such a tie be possible, as separate ballots would now be cast for president and vice-president.

The Election of 1824 and the featured document, Tally of the 1824 Electoral College Vote , bring to light two important points about the electoral system, one of them constitutional and the other borne of the political party system. The election of 1824 had several candidates as serious contenders. The official Republican candidate, William H. Crawford of Georgia, was nominated by a caucus, a private meeting of party leaders, but he lacked the backing of much of the party. Challenging Crawford and bucking the caucus nominating method, were Republicans Andrew Jackson of Tennessee, Henry Clay of Kentucky, and John Quincy Adams of Massachusetts. Nomination by the caucus had been under fire for years as being undemocratic, and the issue reached its peak by 1824. (Today most states use direct primaries to nominate candidates while a small number still use nominating conventions.)

With so many candidates in the election of 1824, it's not surprising that no candidate received a majority of votes in the Electoral College. Andrew Jackson had a plurality of both the popular vote (40.3%) and the Electoral College vote, but he did not hold the constitutional requirement of a majority of the electoral votes. For the first time, the presidential election vote proceeded to the House of Representatives. There, John Quincy Adams was chosen primarily because Henry Clay, never a Jackson supporter, placed his support behind Adams. Jackson was outraged after Adams appointed Clay secretary of state, and he proclaimed it a "corrupt bargain." While he was never able to prove any actual bribery or corruption occurred, the accusation endured and influenced the next election, as well as Clay's political career.

Today most Americans perceive the Electoral College as a formality necessitated by the Constitution. Electors meet in their states on the Monday after the second Wednesday in December and cast their votes just as they did in 1824. The votes are sealed and sent by registered mail to Washington, D.C., where they are opened and counted before a joint session of Congress when they convene in January. In recent history rarely has an elector failed to vote automatically for the candidate winning his or her state's popular votes. In 1976 a Republican elector in Washington voted for Ronald Reagan instead of Gerald Ford, the Republican Party's candidate. In 1972, a Republican from Virginia voted for the Libertarian candidate rather than the Republican, Richard Nixon.

There are critics today who point to several remaining flaws in the Electoral College system. The most obvious of these is the risk that the popular vote winner will not receive the majority of votes in the Electoral College. The winner-take-all feature of the system makes this a possibility, yet it has happened only three times in our history: 1824, 1876, and 1888. Another point of criticism is that the electoral vote distribution is not proportional to the popular vote distribution because of the automatic two votes per state provision. If you contrast the number of electoral votes per person in California and Alaska, this point is clear. "Faithless electors," as described earlier in the 1972 and 1976 examples, are also a flaw according to opponents. Yet never has a broken pledge affected the outcome of an election. Finally, critics highlight as unfair the provisions calling for choice by the House or the Senate in the case of a tie or lack of majority. Voting by state gives small states the same weight as large states, and if a state's representatives were divided, its vote could be relinquished. Additionally, a strong third party candidate could make it difficult for any candidate to earn a majority.

Different opponents and critics of the present system have developed various alternatives over the years, beginning after the election of 1796 when Adams defeated Jefferson by three electoral votes. Since that time more than five hundred constitutional amendments to reform the Electoral College have been introduced to Congress, more amendments than for any other constitutional issue. In May, 2001, there were three amendments pending in Congress, as well as two bills proposing commissions to study the Electoral College.

Proponents of the Electoral College claim that critics exaggerate the risks in our present system, pointing to the very small number of occasions where their concerns have come

to fruition. Only two elections in our history were ever decided in the House and none since 1825. The Electoral College system also reduces the possibility of voter fraud; in a direct national election votes could be bought anywhere, even in heavily concentrated Democratic or Republican states where under the present system, few would bother to attempt such a thing. In addition, while small states may be overrepresented under the present system, under any other alternatives smaller states would virtually be ignored. Most importantly, supporters of the Electoral College would add that it is a tried and true system, one that is efficient, identifies a winner quickly, and avoids recounts. For these reasons, Americans would be foolish to risk experimenting with a new one.

Citizens and lawmakers have been generating ideas and engaging in debates about the Electoral College for two centuries, with the most recent resurgence occurring after the election of 2000. The question is whether this pattern will continue, or can lawmakers craft a clear and compelling plan that will generate the kind of political and public support necessary to affect a constitutional amendment. History has demonstrated that it is more realistic to expect the present system to endure, as each reform idea works to the advantage or disadvantage of a different interested and vocal group.

The Federal Register's Electoral College web page is an additional resource for more detailed information regarding the functions of the Electoral College and presidential election statistics from 1789 through 2000.
http://www.nara.gov/fedreg/elctcoll/index.html#top

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Teaching Activities

Interpreting the Document

1. Direct students to identify the document . Lead a class discussion using the following questions: What does the title or heading indicate? When was the document drawn up? What do the numbers to the left of each state name represent? What do the three main columns represent? List the names at the top of each column. Who are they? What do the numbers in the columns below each name represent? Instruct students to calculate the

percentage of the total electoral votes each candidate for president and vice-president received, and ask them who they think the winners should be. If they already have a working knowledge of the Electoral College system, they will recognize that Jackson received a plurality rather than a majority of votes. If this document is being used as an introduction to the Electoral College constitutional provisions, then discuss its significance as an example of what happens when a candidate, despite winning the largest share of the popular vote (40.3%) and the electoral vote, does not win a majority of the Electoral College. Discuss the distinction between plurality and majority.

Constitutional Connection and "Correction"

2. Instruct students to read the original plan the framers outlined for the election of the president as detailed in Article II, Section 1, Clause 3 of the U.S. Constitution and to describe the framers' provisions should a majority vote not be reached by the Electoral College. Then ask them to analyze the balloting procedure described in the clause, considering the following questions: How many ballots did each elector cast for president and vice-president (one ballot, with two names on each)? If electors had party or candidate loyalties, what possible problems could be presented when the votes were tallied? After brainstorming potential problems, instruct students to read the 12th Amendment and describe how it modified the original provisions. Ask them what weakness it addressed. Introduce the situation surrounding the election of 1800 when all of the 73 Democratic-Republicans voted for Thomas Jefferson and Aaron Burr on the same ballot. It produced a tie for president even though the party wished Burr to be vice-president. Point out that these two elections, 1800 and 1824, were the only two elections ever to be decided by the House of Representatives.

Letter Writing

3. Obtain the addresses of your state's two U.S. senators as well as your representatives in the House from the Senate <http://www.senate.gov/> and House of Representatives http://www.house.gov/ web sites. Instruct students to compose letters asking the congressional representatives their opinions on the effectiveness and necessity of the present Electoral College system. The letters can be written individually or as a class and signed by each student. Seek information from state representatives as well.

Persuasive Writing/Debate

4. The Electoral College system is under constant scrutiny, yet to change it would require a constitutional amendment. There are critics as well as proponents of the system. Guide students in researching the various proposed alternatives as well as the rationale for retaining the present system. Allow each student to select one scenario (present system, district plan, proportional plan, direct popular election, national bonus plan) to defend, making sure all the options are assigned. Challenge students to write persuasive speeches describing why one specific process of electing the president would be the best alternative, while also speaking to its detractors. Ask for volunteers to present their speeches, and take a vote within the class (if all options are represented).

Research Local Politics

5. One of the reasons for the many candidates in the election of 1824 was that the election occurred at the peak of a political and public outcry against the caucus system of nominating candidates. William Crawford was the official nominee of the Republican caucus, while Adams, Jackson, and Clay challenged the caucus system. Armed with information about the distinctions between the various ways of nominating candidates (self-nominating, caucus, nominating conventions, direct primaries), ask student volunteers to investigate and report to the class how candidates are nominated for political offices in your town, county, and state. Examples of offices could include your local school board, town council, mayor, state representative, governor, and electoral college voter.

Biographical Poems

6. Andrew Jackson never accepted his defeat in the election of 1824 and almost immediately set about to ensure his election in 1828. Some historians have described the election of 1828 as one of the "dirtiest" of all American elections. Ask students to research the campaign issues and strategies on the part of both parties as well as the contrast in background, personality, and experience of Andrew Jackson and John Quincy Adams. Write the steps for a cinquain poem and a biopoem on the board and ask students to write two separate poems about one candidate, one from each party's point of view.

Cinquain format:

Line 1: one word of two syllables (may be the title)
Line 2: four syllables (describing the subject or title)
Line 3: six syllables (showing action)
Line 4: eight syllables (expressing a feeling or observation about the subject)
Line 5: two syllables (describing or renaming the subject)

Biopoem format:

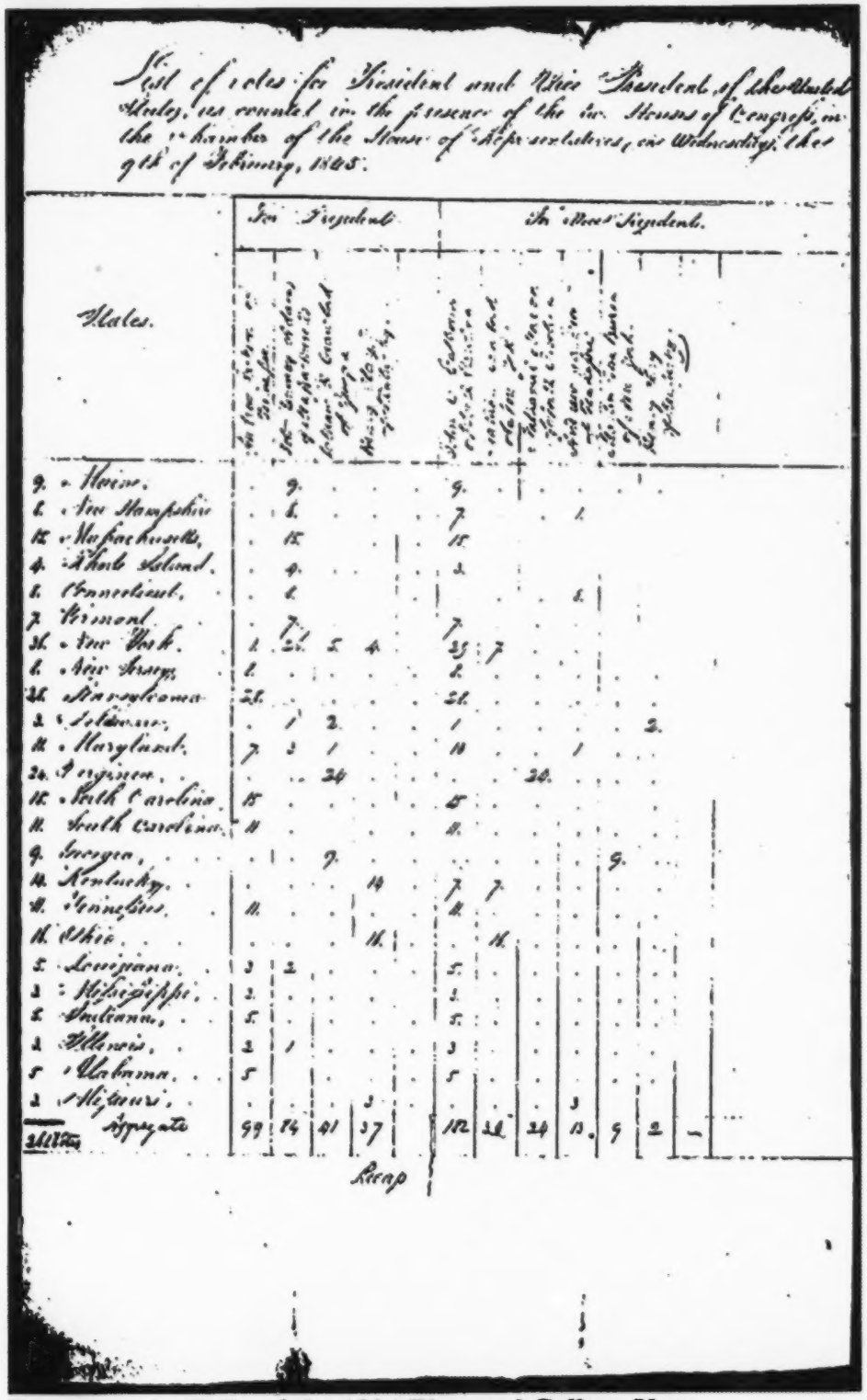
Line 1: First name
Line 2: Four traits that describe the person
Line 3: Position or job
Line 4: Longing for (three things or ideas)
Line 5: Who feels (list three things)
Line 6: Who needs (three things)
Line 7: Who fears (three things)
Line 8: Who gives (three things)
Line 9: Who would like to see (three things)
Line 10: Last name

The document included in this project is from Record Group 233, Records of the House of Representatives . It is available online through the National Archives Information

Locator (NAIL) database, control number NWL-46-ELECT-18AJ1. NAIL is a searchable database that contains information about a wide variety of NARA holdings across the country. You can use NAIL to search record descriptions by keywords or topics and retrieve digital copies of selected textual documents, photographs, maps, and sound recordings related to thousands of topics. http://www.nara.gov/nara/nail.html

The document is also featured in the online American Originals Exhibit. <http://www.nara.gov/exhall/originals/tally.html>

This article was written by Mary Frances Greene, a teacher at Marie Murphy School, Avoca District 37, Wilmette, IL.



List of votes for President and Vice President of the United States, as counted in the presence of the two Houses of Congress, in the Hall of the House of Representatives, on Wednesday, the 9th of February, 1825.

States.	For President.					For Vice President.						
9. Maine.	9				9							
8. New Hampshire	8				7			1				
15. Massachusetts	15				15							
4. Rhode Island	4				3							
8. Connecticut	8							8				
7. Vermont	7				7							
26. New York	1	24	5	4	25	7						
8. New Jersey	8				8							
26. Pennsylvania	26				26							
3. Delaware		1	2		1					2		
11. Maryland	7	3	1		10			1				
24. Virginia			24				20					
15. South Carolina	15				15							
11. South Carolina	11				11							
9. Georgia		1	7						9			
14. Kentucky				14	7	7						
11. Tennessee	11				11							
16. Ohio				16		16						
5. Louisiana	3	2			5							
3. Mississippi	3				3							
5. Indiana	5				5							
3. Illinois	3	1			3							
5. Alabama	5				5							
3. Missouri			3					3				
261 Votes. Aggregate	99	84	41	37	182	30	24	13	9	2	—	

Recap

Document 1: Tally of the 1824 Electoral College Vote

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